

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 15-13364-GAO

OSBORNE SHEPPARD,
Petitioner,

v.

SEAN MEDEIROS,
Respondent.

ORDER
April 20, 2016

O'TOOLE, D.J.

The pending petition under 28 U.S.C. § 2254 appears to be a second or successive petition. Because the record lacks any evidence to suggest that Sheppard has obtained permission from the United States Court of Appeals for the First Circuit, this Court lacks jurisdiction to consider the petition. See Pratt v. United States, 129 F.3d 54, 57 (1st Cir. 1997). Consequently, Medeiros's Motion to Dismiss (dkt. no. 17) is GRANTED and the petition is hereby DISMISSED without prejudice to renewal if permission to file is granted by the First Circuit. See 28 U.S.C. § 2244(b)(3)(A). Sheppard's Motion for Hearing (dkt. no. 15), Motion to Strike (dkt. no. 21), and Motion for Judgment in Accord with U.S. Supreme Court Decisions (dkt. no. 22) are MOOT.

No certificate of appealability shall issue because Sheppard has not "made a substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2).

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge